

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00424

Earnest Lee Glover, Jr.,
Plaintiff,

v.

Traci Shirey et al.,
Defendants.

ORDER

Plaintiff Earnest Lee Glover, Jr., a prisoner of the Texas Department of Criminal Justice proceeding pro se, filed this civil rights lawsuit under 42 U.S.C. § 1983 complaining of alleged violations of his constitutional rights. Two of the defendants, Warden Shirey and Officer Garcia-Castillo, filed separate motions to dismiss. Docs. 27, 30. The magistrate judge issued a report recommending that the motions to dismiss be granted as to plaintiff's requests for injunctive relief and for monetary damages against defendants in their official capacities, and denied as to plaintiff's claims for monetary damages against defendants in their individual capacities. Doc. 35.


A copy of the report was emailed to the defendants and sent by U.S. mail to the plaintiff, who received it on October 18, 2023. No objections have been received.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. The motions to dismiss filed by defendants Warden Shirey and Officer Garcia-Castillo (Docs. 27, 30) are granted as to plaintiff's claims for injunctive relief and for monetary damages against the defendants in their official capacities, and denied as to plaintiff's claims for monetary damages against the defendants in their individual capacities. These two defendants shall

have 14 days from the date of entry of this order in which to file their responsive pleading. Fed. R. Civ. P. 12(a)(4)(A).

Plaintiff's original complaint did not include defendants' full names or the correct spelling of defendant Shirey's last name. Doc. 1. As both defects have been corrected by defendants' motions to dismiss (Docs 27, 30), the clerk of the court is ordered to amend the docket to reflect this change.

So ordered by the court on December 20, 2023.



J. CAMPBELL BARKER
United States District Judge